

AUG 05 2005

Appl No. 10/624,915

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/624,915  
Applicant : D. Russell Pflueger  
Filed : July 22, 2003  
Title : APPARATUS AND METHOD FOR TREATING SLEEP APNEA

TC/A.U. : 3700/3743  
Examiner : Ragonese, Andrea M.

Docket No. : D-3077  
Customer No. : 33197

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, to fax number 571-273-8300 on the date indicated below.

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date:

August 5, 2005

By:

Doree McGhee

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This is in response to the Examiner's communication mailed August 14, 2005.

The Examiner has required restriction to one of the following inventions:

Group I. Claims 52-55 and 66-81, drawn to a method for treating sleep apnea and/or snoring, classified in class 128, subclass 898.

Group II. Claims 82-92, drawn to an apparatus for treating sleep apnea and/or snoring, classified in class 128, subclass 848.

Applicant elects the Group I claims, that is claims 52-55 and 66-81. However, applicant traverses this requirement.

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The Group I claims are directed to methods for treating sleep apnea and/or snoring comprising providing an appliance in or radially outwardly from the lateral and posterior walls of an oropharyngeal region of a human or animal. The appliance, so provided is effective in treating at least one of sleep apnea and snoring. The Group II claims are directed to apparatus for treating at least one of sleep apnea and/or snoring. The apparatus comprise appliances which are useful in the methods of the Group I claims.

All of the presently claims, that is both the Group I method claims and the Group II apparatus claims, are thus closely related and can be considered in the above-identified application.

Therefore, applicant respectfully requests that the restriction requirement be withdrawn.

Applicant respectfully requests early and favorable action in the above-identified application.

Respectfully submitted,



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